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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,337

03/28/2005

Martin Doll

SHN-122-A

9158

7590

05/03/2006

Andrew R Basile
Young & Basile
3001 West Big Beaver Road
Suite 624
Troy, MI 48084

EXAMINER

RINEHART, KENNETH

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/521,337

Applicant(s)

DOLL, MARTIN

Examiner

Kenneth B. Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13/05, 7/22/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 refers to “tunnel-like” which renders the claim indefinite. Regarding claim 1, the phrase "tunnel- like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "tunnel like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). The examiner suggests the applicant drop the “-like” portion of the word.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 7-10, 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Rehm (2002/0056710). Rehm shows a) a housing (1, fig. 3); b) at least two thermally conditioning

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facilities which are arranged parallel in their operation, are accommodated in the housing and each comprise (3,4, fig. 3): ba) a tunnel-like useful space, in which the objects can be impinged by thermally conditioned air (fig. 3, paragraph 3); bb) a conveying system, by which the objects can be moved through the useful space (fig. 3), characterized in that c) the at least two thermally conditioning facilities, are arranged one above the other in the housing , substantially over the same floor area (fig. 3), characterized in that the air path on which the thermally conditioned air flows to the first thermally conditioning facility is independent of the air path on which the thermally conditioned air flows to the second thermally conditioning facility (fig. 1, fig. 3) that it is designed as a drier and has at least one heating unit , for thermally conditioning the air (paragraph 2), in that the same number of heating units, are provided as there are drying facilities (fig. 1,3), they are designed as coolers (claim 1), at least one cooling unit, which cools the air introduced into the useful spaces, of the cooling facilities (claim 1).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by DE3941134.

DE3941134 shows a) a housing (fig. 2); b) at least two thermally conditioning facilities which are arranged parallel in their operation, are accommodated in the housing and each comprise (31,32, fig. 2): ba) a tunnel-like useful space, in which the objects can be impinged by thermally conditioned air (fig. 2); bb) a conveying system, by which the objects can be moved through the useful space (27, fig. 1), characterized in that c) the at least two thermally conditioning facilities , are arranged one above the other in the housing , substantially over the same floor area (fig. 1), the air path on which the thermally conditioned air flows to a first thermally conditioning facility leads through a second thermally conditioning facility (fig. 2), there is provided in the air path a

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device by which the passage of thermally conditioned air from the second thermally conditioning facility into the first thermally conditioning facility can be interrupted if required (14, 15, fig. 1), the device for interrupting the air path is a controllable flap (14, fig. 2), the at least two thermally conditioning facilities , at least regionally divide the air path on which the air is discharged from the useful spaces (fig. 2),) that it is designed as a drier and has at least one heating unit , for thermally conditioning the air (fig. 2, fig. 1, abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over by DE3941134.

DE3941134 discloses a) a housing (fig. 2); b) at least two thermally conditioning facilities which are arranged parallel in their operation, are accommodated in the housing and each comprise (31,32, fig. 2): ba) a tunnel-like useful space, in which the objects can be impinged by thermally conditioned air (fig. 2); bb) a conveying system, by which the objects can be moved through the useful space (27, fig. 1), characterized in that c) the at least two thermally conditioning facilities , are arranged one above the other in the housing , substantially over the same floor area (fig. 1), the air path on which the thermally conditioned air flows to a first thermally conditioning facility leads through a second thermally conditioning facility (fig. 2), there is provided in the air path a device by which the passage of thermally conditioned air from the second thermally conditioning facility into the first thermally conditioning facility can be interrupted if required (14, 15, fig. 1),

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the device for interrupting the air path is a controllable flap (14, fig. 2). DE3941134 discloses applicant's invention substantially as claimed with the exception of closeable louvre. At the time the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have closeable louvre because applicant has not disclosed that provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the flap or the claimed louvre because both perform the same function equally well.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rehm (2002/0056710) in view of Archer (4873107). Rehm shows a) a housing (1, fig. 3); b) at least two thermally conditioning facilities which are arranged parallel in their operation, are accommodated in the housing and each comprise (3,4, fig. 3): ba) a tunnel-like useful space, in which the objects can be impinged by thermally conditioned air (fig. 3, paragraph 3); bb) a conveying system, by which the objects can be moved through the useful space (fig. 3), characterised in that c) the at least two thermally conditioning facilities, are arranged one above the other in the housing, substantially over the same floor area (fig. 3), characterised in that the air path on which the thermally conditioned air flows to the first thermally conditioning facility is independent of the air path on which the thermally conditioned air flows to the second thermally conditioning facility (fig. 1, fig. 3) that it is designed as a drier and has at least one heating unit, for thermally conditioning the air (paragraph 2), in that the same number of heating units, are provided as there are drying facilities (fig. 1,3), they are designed as coolers (claim 1). Rehm discloses applicant's invention substantially as claimed with the exception of at least one

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fan, which sucks in fresh air and introduces it as thermally conditioned air into the useful spaces, of the cooling facilities is provided. Archer teaches at least one fan, which sucks in fresh air and introduces it as thermally conditioned air into the useful spaces, of the cooling facilities is provided (col. 1, lines 39-50) for the purpose of providing the motive force to the air. It would have been obvious to one of ordinary skill in the art to modify Rehm by including at least one fan, which sucks in fresh air and introduces it as thermally conditioned air into the useful spaces, of the cooling facilities is provided as taught by Archer for the purpose of providing the motive force to the air so that the apparatus will function.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to driers in general: Curry et al (4663863).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr


KENNETH RINEHART
PRIMARY EXAMINER